

UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF MICHIGAN
SOUTHERN DIVISION

UNITED STATES OF AMERICA,

No. 1:21-cr-40

Plaintiff,

Hon. ROBERT J. JONKER

v.

CHRISTOPHER ALLAN BODEN,

Defendant.

**CHRISTOPHER ALLAN BODEN'S MOTION FOR A DOWNWARD
VARIANCE**

Defendant Christopher Allan Boden, by and through his counsel, Warner Norcross + Judd, LLP, respectfully moves this Court for a downward variance from the Presentence Report's expected calculated guideline range.¹ For the reasons set forth in the accompanying Brief, we respectfully submit that a term of probation of five years would constitute a sufficient sentence that is not greater than necessary to achieve the purposes of sentencing set forth in 18 U.S.C. § 3553(a).

Pursuant to local Criminal Rule 12.4, counsel for Mr. Boden contacted AUSA Justin Presant seeking concurrence in the relief sought in Mr. Boden's motion. AUSA Presant informed counsel that the Government concurs in filing this motion early, but opposes a downward variance.

¹ While the final Presentence Investigation Report has not been issued, we anticipate that the only advisory guideline scoring factor that will be in dispute is whether Mr. Boden should be assessed 2 or 4 points for his Role in the Offense pursuant to § 3B1.1. Mr. Boden's sentencing memorandum will follow.

Dated: February 8, 2022

/s/Brian P. Lennon

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